

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARITA KELLY,

Plaintiff,

No. 23-11375

v.

Hon. Nancy G. Edmunds

LIFE SECURE INSURANCE CO.,

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM**

Plaintiff Charita Kelly brings this case against her former employer, Defendant Life Secure Insurance Company, alleging religious discrimination under Title VII of the Civil Rights Act ("Title VII") (Counts I and II) and Michigan's Elliott-Larsen Civil Rights Act ("ELCRA") (Count III). The Court has federal question jurisdiction over Plaintiff's Title VII claims, but Plaintiff's claim pursuant to ELCRA is based on state law. Because the parties in this case are nondiverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's ELCRA claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Therefore, pursuant to § 1367(c), Plaintiff's state law claim in Count III of her complaint is hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: June 15, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 15, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager